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Forty-second session

SUMMARY RECORD OF THE 468th MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 9 October 1991, at 3 p.m.

Chairman: Mr. de RIEDMATTEN (Switzerland)

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General debate (continued)

Adoption of the report of the Subcommittee of the Whole on International Protection

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The meeting was called to order at 3.20 p.m.

GENERAL DEBATE (agenda item 4) (continued)

1. Mr. BLAVO (Observer for Ghana) welcomed the opening statement in which the High Commissioner had described the situation of the world's refugees and the three-point strategy by which she proposed to tackle the refugee problem as a whole. In the few months since she had taken office, she had found the time to visit refugee camps in several countries, including Ethiopia; she had concluded an agreement with the Government of South Africa, paving the way for UNHCR to maintain a presence in that country and for South African exiles to return home in safety. It was to be hoped that when the time was ripe, the repatriation of those exiles would be handled with the efficiency which had characterized the repatriation of the Namibians. His delegation supported the proposal to appoint a coordinator for refugee children, following the example of the Coordinator for Refugee Women. Both those groups were vulnerable, and the appointment of special coordinators would help to alleviate their suffering.

2. Over the past few years, UNHCR had had to face formidable challenges, and the situation had not improved over the last 12 months. Despite a marked improvement in the international political climate, the number of refugees in the world continued to mount and their plight to worsen, while the resources available to UNHCR continued to dwindle. Under such circumstances, it would be difficult for the High Commissioner and her Office to respond effectively to the legitimate needs of refugees. Accordingly, his delegation endorsed the call made to the international community in general, and to the donor community in particular, to give generously, as they had always done, to enable the Office of the High Commissioner to discharge its functions.

3. As the fortieth anniversary of the creation of UNHCR was being celebrated, it was impossible not to recall the circumstances in which it had come into being: the Office had been created at the height of the East-West confrontation in order to protect and assist those fleeing persecution in Europe. With time, the 1951 Convention had come to be accepted throughout the world, and its provisions had become applicable in many countries. Subsequently, the 1967 Protocol had complemented the provisions of the 1951 Convention. The world had come a long way since then, and the causes of refugees flows were no longer what they had been 40 years earlier. In recognition of that changing situation, the countries of Africa had, in 1969, adopted the OAU Convention and those of Latin America had adopted the Cartagena Declaration. Those two regional instruments had further broadened the definition of the concept of refugee, making it more realistic.

4. It would appear that the time had come for the international community to give serious consideration to the promulgation of an international instrument that would cover the various categories of persons who were of concern to the Office of the High Commissioner, but were not covered either by the 1951 Convention or by the 1967 Protocol. The report of the Working Group on Solutions and Protection (EC/SCP/64) was a very useful reference document. It was no longer possible to pretend that the world's refugees were only those covered by the 1951 Convention and the 1967 Protocol.

5. It had become fashionable of late to single out human rights violations and armed conflicts as the main causes of refugee flows, a view which his delegation did not share. The report of the Working Group on Solutions and Protection did identify several other causes and made recommendations as to the methods and approaches that the international community could adopt to eliminate them. His delegation hoped that the recommendations would be implemented after the adoption of the report at the current session.

6. In many of the developing countries in Africa, Asia and Latin America, the root causes of mass refugee flows were extreme poverty and underdevelopment. The members of the international community were duty-bound to seek ways and means of eradicating poverty and underdevelopment in those countries, which would be the only effective response to refugee flows.

7. He wished once again to thank UNHCR and all the donors for their continued support for refugee programmes throughout the world.

8. Mr. AL-KADHI (Observer for Iraq) thanked the High Commissioner for her statement and hoped that the goals she had spoken of would in the course of the coming year become specific measures and programmes. The current session of the Executive Committee was taking place at a time of formidable challenges for UNHCR, in view of the numerous population movements and the increase in the number of refugees in various parts of the world. Iraq fully appreciated the efforts made by UNHCR and was cooperating with it by every possible means. Before the Gulf crisis, UNHCR had helped the Iraqi authorities to meet the food and health needs of almost 20,000 Iranian refugees in Iraq. It had recently undertaken the repatriation of a large number of those refugees, and Iraq hoped that the operation would continue unhindered.

9. The full details of the Gulf crisis and of the war of aggression waged by the United States and its allies against Iraq were becoming generally known. Everyone was aware that even after the ceasefire those countries had endeavoured, with the assistance of a number of Iraq's neighbours, to bring about a state of tension and disorder, which had caused many people to leave the north of Iraq for Turkey and Iran. United States policy had been to prevent the refugees from returning to Iraq and to use them for political ends in order to interfere in Iraq's domestic affairs. Iraq had requested that a United Nations observer should investigate the situation, but the allied forces had not been prepared to allow the United Nations to play its role and had hampered a solution to the problem under the pretext of protecting displaced persons. Massacres had occurred in southern Turkey and even inside Iraq and Iran, without anyone expressing the slightest indignation.

10. In April 1991 Iraq had signed a memorandum of agreement pursuant to which UNHCR had undertaken the repatriation of those displaced persons. The number who had thus returned to Iraq was about 268,000. His delegation was aware of the efforts made by UNHCR to solve the problems of displaced persons and to provide protection for refugees. It hoped that the Office would fulfil its task successfully and that it would ensure the return to Iraq of all Iraqis still in Turkey and Iran.

11. Unfortunately the economic blockade still imposed on Iraq in the name of the United Nations was threatening millions of civilian lives and causing further population movements. His delegation hoped that UNHCR would call for the lifting of the blockade, which was no longer legally or morally justified. The most serious threat hanging over the United Nations was domination by the great Powers seeking to run it in their own interests. The Organization must not become the tool of neocolonialism. Accordingly, UNHCR should closely supervise the conduct of its officials, in order to preserve its excellent image.

12. If the figures on the situation of Iraqi refugees in Iran advanced by the representative of the Islamic Republic of Iran were to be believed, 10 per cent of Iraq's population was at present in Iran. In her opening statement, the High Commissioner had said that there were currently only 70,000 Iraqi refugees in Iran and Turkey. Iraq hoped those refugees would return and was prepared to cooperate with UNHCR in order to bring that about, by providing the Office with all the necessary facilities. Iraq hoped that the plight and suffering of the refugees would not be exploited for political ends, to serve material interests.

13. Mr. AKTAN (Turkey), said that it was disheartening to observe that despite all the efforts made, the measures taken and the successes achieved in the field of voluntary repatriation, there had not been any decrease in the number of refugees; quite the contrary, there were now over 17 million of them. In other words, three or four out of every 1,000 people were currently refugees. Since refugee movements were basically caused by wars, famine, terrorism, intense internal strife or natural disasters, and the countries referred to as countries of first asylum or transit countries were essentially developing countries, the two fundamental issues that needed to be tackled were the elimination of the conditions that "produced" refugees, and the sharing of the burden they represented.

14. While it was true that the developed countries in general and the traditional donors in particular had shown interest in refugee issues and provided financial resources to solve them, there was no denying that they had not been very enthusiastic about admitting refugees to their own territory. The restrictions and selection applied in that respect, which were increasingly apparent, placed the countries of first asylum and the transit countries in a very difficult position, and were, moreover, incompatible with the principle of burden-sharing. Furthermore, it happened that the limited quotas reserved for refugees were used for the benefit of those who abused the right of asylum - ordinary criminals or even terrorists. In his delegation's view, that amounted to nothing less than encouraging terrorism and crime, which were among the main causes of human rights violations and refugee movements. As some speakers had pointed out, the recent increase in xenophobia and racism also hindered the admission of refugees. The necessary measures should be taken immediately to curb such tendencies. Refugee problems would only be settled if sacrifices were accepted by all. Accordingly, the refugee problem had to be depoliticized, and prejudice should not be allowed to postpone its solution.

15. Resettlement was a significant means both of sharing the burden and of providing better living conditions for refugees. However, there appeared to be concern in some circles that resettlement might lead to new refugee flows, but to the developed countries instead. Such an attitude was unacceptable. For his delegation, resettlement could and should be adopted for the five categories of refugees classified as "vulnerable" in paragraph 4 of document EC/SCP/65. It did not believe that resettlement would encourage new refugee movements; on the contrary, it would prevent them from being concentrated in countries of first asylum and transit countries, and in that way the burden would be shared.

16. Voluntary repatriation was another appropriate solution to the refugee problem. However, it assumed that the conditions that had caused refugee movements had been eliminated. It could rightly be claimed that if the international community was really prepared to cooperate and to act in solidarity and with wisdom, then the repatriation of refugees and even the prevention of exoduses would become far easier.

17. He had deliberately used the word "wisdom". Concern about human rights and fundamental freedoms was very much a feature of today's world. The concept of the right of intervention seemed to be taking shape in the contemporary conscience. What should the nature and scope of such intervention be? Clearly, the reply would vary from case to case. However, care should be taken not to confuse what was feasible with what was merely idealistic, and to avoid the risk, by intervening in an already fragile internal order, of causing further suffering for those whose lot it was hoped to improve.

18. After the Gulf war, following the unfortunate developments in Iraq in April 1991, there had been a huge arrival of refugees in Turkey. In just a few days, almost half a million men, women and children had gathered at the border between Turkey and Iraq. An even larger number of Iraqis had sought refuge in Iran. In spite of extremely unfavourable geographical conditions and weather, and in the absence of effective international aid, Turkey had immediately tried, with its own limited means, to meet the needs of those distressed people. The scale of the operation had, however, been prohibitive, and Turkey had been compelled to call for urgent international assistance. The essential needs of the refugees - food, shelter, medical care - had been met as rapidly as was possible within the framework of the aid operations conducted by the competent international organizations and by the Turkish authorities. As a result of the subsequent international cooperation, virtually all those displaced persons had now been resettled in the security zone established in the north of Iraq.

19. However, while Governments and NGOs had responded to the emergency swiftly, the United Nations system had unfortunately been unable to act with the desired promptness and effectiveness, for reasons which were well known. The experience showed that a similar exodus of refugees could occur at any time somewhere in the world, and in particular in certain regions which had recently become sensitive as a result of rapid changes. The time had come for the world community to find an efficient and workable system to deal with such emergencies. His delegation welcomed the initiatives being taken in that direction by various Governments as well as by the appropriate United Nations bodies.

20. Non-refoulement was another crucial issue. As was well known, that basic principle of refugee law was not applied as fully as it should be, which made the desired solution even more difficult. The fundamental right of asylum-seekers to be free to choose the country they wished to go to had to be accepted. However, refugees should also return to their countries of origin as soon as normal conditions had been restored there.

21. Most of the points he had raised were familiar to those dealing with refugees. They had been raised in the past by his delegation and would probably be raised again as long as durable solutions had not been found. The international community had a responsibility towards refugees and displaced persons; it had a duty to alleviate their suffering, and therefore to find the necessary solutions.

22. Mrs. DOS SANTOS (Observer for Angola) said that her country was going through one of the most critical periods in its history. The signing in Portugal, on 31 May 1991, of the Bicesse Agreement between the Government of Angola and UNITA had finally brought peace. No effort would be spared to ensure that the Agreement was effectively applied. Words alone could not describe the human suffering caused by the war - the figures spoke for themselves: more than one and a half million Angolans were living in conditions of acute hardship and barely surviving; 800,000 internally displaced persons were gradually returning to their home villages to try to rebuild their lives; there were 80,000 amputees and 50,000 orphans, and more than 400,000 Angolans had been forced to seek refuge in neighbouring countries.

23. UNHCR had always assisted those refugees throughout their darkest moments, and both they and the Government of Angola would be forever grateful. Now that peace had finally come, the refugees wanted and needed to return to their own country. Of the many challenges of the post-war period, that was the one to which the Government and all political parties attached the greatest importance.

24. Repatriation was the most durable solution. There were more than 300,000 Angolans to be repatriated in time for the elections in September 1992. Their reintegration into a country devastated by war, where the needy were so numerous and resources so scarce, would be no easy task. However, it was vital that the operation should be successful, as so much was at stake. For that reason the Government of Angola had accepted UNHCR's wise proposal for the repatriation operation to begin only in May 1992: after the rainy season roads would be safer, and the interim period could be used to stock essential food and relief material. For the previous four months the Government of Angola had been working closely with UNHCR, other United Nations agencies and NGOs to carry out the groundwork for the operation, which would be one component of a global plan of action. Technical assessment missions had been sent to each of the provinces affected to inform the local authorities, ascertain their needs and ensure that agricultural land was set aside, so that "relief and rehabilitation" would not be an empty phrase and the donations received would reach the people they were meant for. Her Government now sought an assurance that the donations would be forthcoming and that Governments would support it morally, materially and financially and that UNHCR would keep faith with it.

25. Her Government had limited itself to modest attainable objectives. It sought to provide the simple peasant and his family with basic necessities, so that within a reasonable period he could achieve the dignity of self-sufficiency through his own toil. It was not tractors and hydroelectric schemes that were required, but seed, basic agricultural and domestic utensils, hand-dug wells and basic medical care.

26. Many Angolans had grown old away from their family and friends. Many who had been born on foreign soil could at last discover their homeland. Many were already returning on foot, desperate to put an end to years of exile. The majority of them were women and children, victims of the sad circumstances that had torn Angola apart. The case of the latest arrivals in Zambia, whom she had visited in May, was particularly serious and demanded urgent attention from UNHCR. A law of amnesty allowed all those who had left the country for political or ideological reasons to return with confidence.

27. Her Government was committed to creating the conditions in Angola for the successful repatriation of 300,000 Angolans in May 1992. Through its participation in the repatriation of some 50,000 Namibians in 1989, Angola had acquired some knowledge of the UNHCR machinery involved. She appealed to the international community to contribute as generously as possible to the operation when UNHCR launched the Angola repatriation appeal: by doing so, it would be contributing to peace in Angola.

28. Mr. ABRAHAMS (Observer for the African National Congress) said that UNHCR could never be thanked enough for its enormous assistance, its solidarity, and its support for a variety of the African National Congress's agricultural, educational and other programmes and for its unswerving commitment to combating apartheid throughout the difficult period during which ANC had been in exile.

29. The refugee problem was today one of mankind's major preoccupations. A solution to the problem depended on the settlement of a number of conflicts, particularly in South Africa. The increase in the amount of strife and the misery that went with it all over the world suggested that the refugee problem would not be solved by the end of the century.

30. As far as South Africa was concerned, the refugee problem was complex. Although thousands of South Africans had been able to return home, a large number of young people nevertheless continued to flee to neighbouring countries in search of asylum. The violent uprisings, frequently provoked by the regime, had made things doubly difficult by creating a problem of displaced persons. When considering the issue of South African refugees, it was necessary to bear in mind various factors, such as the climate of uncertainty, the violence - which was present in virtually all walks of life and threatened to destroy an already fragile society -, the daily killings of innocent people on public transport, in the townships, etc., the complicity of the State and security forces, and so on.

31. ANC had long argued that the regime's attitude showed it was not committed to genuine change. The millions of dollars it devoted to supporting the Inkatha movement were proof enough. The operation was designed to undermine ANC and the democratic movement in South Africa as a whole, thereby

seriously jeopardizing the peace process. In spite of the many obstacles set in its path, ANC was constantly working for peace. More than ever before there was a chance of the various popular forces coming together, and much headway had been made towards the establishment of a patriotic front. The recently signed peace accord had laid the foundations for reconciliation in South Africa. That process should be encouraged, as without peace there could be neither justice nor harmony.

32. The social and economic outlook for South Africa was extremely weak, as the country was in the grips of one of the most serious depressions in its history, with no real hope of an immediate recovery. There were between 5 and 6 million unemployed, their number swelled by a further million every year. The deterioration in social and economic conditions had reached alarming proportions and there was no indication that the situation would improve. The crime rate was soaring and the failure of social and support services in the townships was total. Towns were literally besieged by squatter communities, and 7.5 million people were living in informal housing. In the Pretoria/Witwatersrand/Vaal region alone, 165,000 people were living in backyards and shacks. Lack of employment in rural areas and hunger forced people to settle in the urban metropolitan area, thereby further aggravating social and economic pressure. Lastly, political violence, which had become a feature of South African life, continued unabated and although the peace accord offered some hope, much still remained to be done before tranquillity would prevail.

33. Such were the conditions awaiting South African refugees on their return to their country. Unemployment and a sense of helplessness were unquestionably the greatest threats to a normal and dignified existence. Moreover, the country's already inadequate infrastructure would be hard put to it to meet the economic and social needs of the 40,000 returnees. As far as the resettlement and integration of exiles was concerned, ANC's premise was that its own cadres needed assistance, as they had been in the forefront of the fight against apartheid and had helped to bring about the changes that were now taking place; as a result, they occupied a special place in the hearts of the community they came from, and their reintegration could only increase its stability.

34. As the repatriation process began, South Africans could not ignore the experience of other countries in the world, and in particular of their African brothers. It was an undeniable fact that in January 1991, 80 per cent of Namibian returnees were still unemployed, with no immediate prospects of obtaining remunerative employment. There would undoubtedly be repercussions from that situation, as most ex-combatants might feel that their country and movement had lost interest in their fate. There were countless examples in Africa of returnees who had not received aid. The failure was certainly not attributable to a deliberate decision by young nations, it was simply that they lacked the necessary means. In addition, the political uncertainty of the post-independence period had paved the way for dissent and destabilization in many countries.

35. Assistance for the repatriation of refugees should seek a permanent solution to their problems and restore their dignity and pride. As the Deputy High Commissioner had observed, the prime objective should be to promote

self-sufficiency. Solving the problem of returnees in South Africa required a vigorous programme of development assistance. Rather than paying cash allowances, which led to a feeling of dependence with negative consequences, it would be preferable to provide bridging finance to enable the refugees to deal with the hardships of initial reintegration. Development programmes should take the following factors into consideration: most refugees did not know what they could and should do, hence the need for educational and career guidance; 70 per cent of returnees had no prospect of housing; many were aged or suffered from health problems; lastly they often preferred to act collectively. Development aid should also be designed to lessen potential conflict between returnees and the community and to ensure that the latter also benefited from returnee assistance programmes.

36. At the same time as the operation was launched in South Africa, UNHCR should also set up a mechanism to ensure that repatriation was accompanied by development. ANC had for many years cooperated with organizations such as UNICEF, ILO and UNDP, which, in conjunction with other non-governmental organizations, could help to strengthen the returnee programme. The issue of women required separate and urgent treatment. Since the launching of the repatriation programme in March 1990, ANC and the National Coordinating Committee for Returnees had encountered a multitude of problems, which they had been unable to solve for lack of means. In particular, children and adolescents were deprived of schooling, because ANC could offer them neither bursaries nor placements; the old and chronically ill received neither subsistence allowances nor medicine; 90 per cent of returnees were unemployed, either because they lacked skills or training opportunities, or because they had qualified in Eastern Europe, which was a major handicap in the eyes of business managers; many South African schoolchildren who were living in the United Republic of Tanzania until they could return home should be promptly repatriated, as they were a heavy burden for the host country; ANC had only been able to pay housing benefit to 35 per cent of returnees, and the rest were either on the street or dependent on their close relatives; the National Coordinating Committee for Returnees had paid each returnee an additional allowance of R200 for two months; lastly, ANC had found a small amount of temporary housing for some of its destitute cadres, although many of them still had no roof over their heads. As could be seen, ANC and the international community had so far only been able to satisfy a tiny part of returnees' needs. ANC was besieged by requests for assistance in building shelter, paying school fees and medical expenses and finding jobs. It was a burden that ANC would gladly transfer to UNHCR.

37. ANC was charting the way towards the democratization of South African society, and if it was successful, it would have contributed towards the overall objective of eliminating the refugee problem throughout the world. ANC was a struggling organization in the throes of establishing its presence in the country, in spite of the hurdles in its path, and its resources were limited. Nevertheless, it would do all it could to assist UNHCR in its task, as it was convinced that the solution of the refugee problem in South Africa would be a step towards a solution of the problem in other countries in the region. Whatever Government came to power in South Africa would have to concern itself with the refugee problem, the plight of refugees from the war in Mozambique and the need to make the South African public aware of those issues.

38. Mr. PAIVA (International Organization for Migration) said that 1991 was a special year for IOM and UNHCR as both were celebrating their fortieth anniversaries. While refugee and migration issues had become considerably more complex since 1951, the two organizations' complementary objectives, non-political and humanitarian, had remained essentially the same. As a result, IOM and UNHCR had mutually reinforced one another's efforts to respond to the needs of the persons falling under their respective mandates and had fostered international cooperation for that purpose.

39. IOM's mandate was to promote and ensure an orderly process of migration worldwide for persons in need of international assistance, whatever their legal status; it included, but was not limited to, refugees. That point was of particular importance for cooperation between IOM and UNHCR today, because it was increasingly difficult to draw a clear line between traditional refugee situations and the new forms of population displacement which were of concern to the international community.

40. More than ever before, the very nature of the two organizations' mandates required them to work hand in hand. Their complementary roles and expertise should enable them to provide effective responses and solutions. He was pleased to note that the links between IOM and UNHCR had never been closer. The two organizations were cooperating in various regions of the world, in particular in Eastern Europe, where fundamental political changes had had an obvious impact on their outlooks; they were closely cooperating in the field of migration information, to ensure that potential migrants had a sound and realistic base on which to take decisions. Also in Europe, IOM and UNHCR were closely involved in the intergovernmental consultations on asylum refugee and migration issues and were endeavouring to contribute to that most importart process.

41. In Africa, where IOM and UNHCR had long worked closely together, IOM would support UNHCR in the special effort under way for the voluntary repatriation of South African refugees. In Latin America, they were making a common effort to assist Chileans to return to their country on the basis of the tripartite agreement between IOM, UNHCR and the Government of Chile and of the joint UNHCR/IOM appeal which had followed it. In South-East Asia, cooperation with UNHCR was essentially related to the Comprehensive Plan of Action for Indo-Chinese refugees. While continuing its traditional support for refugee settlement, IOM at the same time assisted UNHCR with voluntary repatriation. Moreover, as of 1 January 1991 IOM had assumed full responsibility for the Orderly Departure Programme from Viet Nam, which would see record figures of orderly emigration during the current year. Lastly, in the Middle East, where IOM was pursuing its activities in the framework of the development programme on behalf of displaced persons, refugees and returnees, UNHCR was also a key partner.

42. He welcomed such cooperation and hoped that it would be further developed in the years to come. It was only by strengthening such inter-agency links that the multilateral humanitarian system would be able to address itself comprehensively and effectively to the needs of today's broad spectrum of migrants, displaced persons and refugees.

43. Mrs. McSWEENEY (United Nations Volunteers Programme) said that 10 per cent of the 2,000 United Nations Volunteers currently serving worldwide were involved in the humanitarian and relief challenge. The United Nations Volunteers Programme was celebrating its twentieth anniversary in 1991 and had been cooperating with UNHCR since 1976, when the first Volunteer had been sent to UNHCR camps in the Sudan. Since then, more than 200 Volunteers had served with UNHCR, strengthening the regular staff of its field offices as the refugee population fluctuated in the countries concerned. UNV specialists had on average 10 years' relevant work experience and university or technical qualifications, which they were prepared to place at the service of humanitarian and development efforts. The Programme had a roster of 6,000 candidates, covering a wide spectrum of technical skills, languages and nationalities, which ensured that the criteria of universality and neutrality were met in UNHCR's activities. At a time when the donor community was particularly concerned with responding to humanitarian needs at the level of those directly affected, the Volunteers had much to contribute to UNHCR's difficult and challenging activities.

44. For example, at the time of the Gulf war, five fully-funded Volunteers had accompanied the first group of UNHCR personnel to Baghdad after the Memorandum of Understanding had been signed by Prince Sadruddin Aga Khan and the Government of Iraq. Subsequently, 21 Volunteers had joined them and 51 others were divided among WFP, UNICEF and IOM.

45. In preparation for the vast voluntary repatriation programme to Cambodia, the Programme was currently recruiting 40 Volunteers, who would work in a range of United Nations specialized agencies. In addition, the Programme was selecting candidates for the UNHCR repatriation programme to South Africa.

46. As the demands for UNV participation in emergency response were increasing, the Programme had reflected seriously on its preparedness and response mechanisms. It had compiled a roster of candidates available for short-term emergency assignments. The Programme was currently setting up a small humanitarian relief unit and was grateful to the Government of the United States agreeing to second a Peace Corps staff member to the unit and for financing an initial mobile team of Volunteers to be on hand to help bodies within the United Nations system in their relief operations. The United States Government had traditionally supported the activities of the Volunteers in that area, but other Governments also deserved thanks for the generous help they had given the Programme in various forms over the years, and in particular the Governments of Japan, Sweden, Switzerland, Germany and Spain. Lastly, the Programme intended to continue and expand its cooperation with UNHCR and, in general, with United Nations bodies as a whole, in order to join them in finding appropriate solutions to prevent those exoduses that could be prevented.

47. Mr. NKULA (Observer for the Pan Africanist Congress) said that his Organization was acutely aware of the support of UNHCR and of the international community for its ideals and projects, and the only way in which it could express its gratitude was by helping to solve refugee problems, as soon as its circumstances allowed.

48. The Pan Africanist Congress was alive to the shortcomings of the Memorandum of understanding recently signed by UNHCR and the South African regime. Although the agreement did not provide for a general amnesty, the Pan Africanist Congress had decided to participate in the repatriation programme, because its members had an inalienable right to return to their country of birth. The Azania to which they were returning was worse than the one they had fled from. The African masses were still denied the vote, 98 per cent of the economy was in the hands of settlers, less than 2 per cent of the country's managers were Africans; black children still attended segregated schools, etc. State-supported pandemic violence had left another 18 victoms on the previous day, further testimony of the untenable situation in South Africa.

49. He called on UNHCR and the international community to support the creation of a united patriotic front, as only the unity of all the oppressed would make possible the total liberation of the South African people. The objectives of the patriotic front included the following: combating illiteracy by giving priority to educational projects, transferring economic power to the people, re-educating the people politically and bringing about the handover of power, reducing poverty and the number of squatter camps, giving employment to the six million African unemployed. The existing regime for its part was privatizing firms, in particular in the steel industry, air and rail transport and telecommunications, in a deliberate effort to deprive the future black Government of resources.

50. As a member of the National Coordinating Committee for the Repatriation of Exiles, the Pan Africanist Congress pledged its support for the efforts of the UNHCR team which was currently negotiating with the South African regime. However, repatriation would be a futile exercise as long as the causes of the refugee problem had not been done away with. Accordingly, he urged UNHCR to encourage the regime to eradicate every last vestige of apartheid and to invest in development projects designed to achieve the final reintegration of black people into South African society.

51. He then read a message from Mr. Mabe, a member of his organization serving in Dar-es-Salaam, the gist of which was as follows. The situation in Azania was unique. The racist regime, whose violence both within the country and in neighbouring countries was well known, was still in power. Although the authorities had much to say about reform, the system whereby a minority of settlers could deny the majority political power - in other words, apartheid - was not dead. The right to vote was still a monopoly of the white community.

52. The Pan Africanist Congress advocated unity among the oppressed and exploited masses. That approach was gaining ground, and in April 1991 the leaders of the organization had held discussions with the leaders of ANC in Harare regarding the formation of a patriotic front, which all organizations of the oppressed were invited to join. The country's new constition should be drafted by a democratically-elected constituent assembly. With a view to achieving that end, the Pan Africanist Congress had in particular invited the Inkatha party to join the patriotic front. After an initial cordial meeting, Inkatha had subsequently attacked the patriotic front and the constituent assembly in the press. However, the door remained open to it, and to all organizations of the oppressed, which were invited to join the patriotic front

in order to enable the South African people to speak with one voice. Some 80 political, cultural, professional and religious organizations had been invited to join the new movement. A major conference of the patriotic front was to be held in Durban in October, thanks to OAU financial support. After the conference, the patriotic front would challenge the regime to recognize the constituent assembly as a democratic mechanism to draft the new constitution.

53. It had often been claimed that the violence in South Africa was "black on black" violence. His Organization considered that, on the contrary, the violence was essentially "white on black". The recent financial scandals within the regime had demonstrated that with one hand the regime was inviting black organizations to talks, while with the other it was attempting to liquidate them. However, the Pan Africanist Congress had also criticized hegemonistic tendencies among some organizations, which were another cause, albeit minor, of the violence. It condemned the murder of political opponents and emphasized the importance of tolerance. The organizations should settle political problems by discussion, and not through violence. The Pan Africanist Congress had, moreover, offered to mediate in the conflict between Inkatha and ANC. It had also participated as an observer at the Peace Conference organized by church and business leaders in June 1991 and had urged the embattled organizations to make peace. The President of the Pan Africanist Congress had been present on 14 September 1991 at the signing of the Peace Accord in Johannesburg. However, there was no doubt that the road to peace would be anything but smooth, and violence had not yet disappeared, far from it. Despite the Nkomati Peace Accord, signed in 1984 with the racist South African regime, the sovereign and fraternal people of Mozambique had yet to enjoy peace.

54. As far as the repatriation of refugees was concerned, shortly after the lifting of the ban on PAC in February 1990, the internal and external leadership of the organization had announced in Harare the launching of the repatriation programme for militants and leaders. Many of them, from the United Republic of Tanzania, Zimbabwe, Botswana and Lesotho, had thus returned home voluntarily, in line with the programme.

55. The Pan Africanist Congress hoped that the agreement signed between President De Klerk and UNHCR would make it possible to speed up the rate of voluntary repatriation. It could not satisfy itself with the "comprehensive amnesty", which allowed the regime to decide which exiles were to be allowed to return. The Pan Africanist Congress hoped for a general amnesty, in accordance with the Declaration on Apartheid and its Destructive Consequences in Southern Africa, adopted on 14 December 1989. Moreover, it had heard that the establishment of a UNHCR office had been delayed by the refusal of the authorities to grant diplomatic status to UNHCR's representatives in Johannesburg.

56. The Pan Africanist Congress appreciated the efforts made by UNHCR to alleviate the suffering of the South African people and wished to take advantage of its assistance with the repatriation of refugees. Such assistance ought to continue, however, until a new democratically-elected Government took power on the basis of a non-racial constitution. Only then would it be possible to talk of an irreversible process of democratization.

the Pan Africanist Congress had no choice but to continue its educational and humanitarian projects and programmes within the national frontiers, in order to meet the needs of refugees. The violence raging in Azania still forced people to flee, but the Pan Africanist Congress was convinced that the process of return would develop as the situation improved.

57. Mr. TREMEAUD (International Labour Office) said that the forty-second session of the Executive Committee was being held against a background of unforeseen changes: the end of the cold war, the disappearance of a large number of local conflicts and a speeding up of the process of political democratization, especially in Africa. Those changes were beneficial for the promotion of principles on behalf of which UNHCR and ILO had worked unstintingly since they had been founded, especially the protection and promotion of the welfare of social groups who suffered from intolerance and from all kinds of discrimination and inequality.

58. Cooperation between UNHCR and ILO had been formalized as early as 1983 by the signing of a memorandum of understanding dealing with two main areas: firstly, refugee protection under the umbrella of the 1951 Convention and the 1967 Protocol and of the ILO Conventions guaranteeing refugees proper rights and working conditions in their host countries; secondly, the development of refugees' production capacity to allow them to achieve a degree of self-sufficiency in their host countries or in their countries of origin in the case of voluntary returnees.

59. UNHCR and ILO had cooperated on several development projects for refugees, the results of which allowed the following conclusions to be drawn: the target population of any development project for a group of refugees should not be limited to the refugees themselves, but should also include the local inhabitants; emergency projects for refugees should always be designed so that they could be continued as development projects, because dependence on humanitarian relief was discouraging both for donors and refugees; coordination was necessary at the headquarters level, but above all in the field, to limit overlapping and waste and to increase the likelihood of action having a lasting impact.

60. With those lessons in mind, ILO was endeavouring to implement, in its cooperation with UNHCR, the decisions adopted at the fortieth session of the Executive Committee, in 1989, on refugee assistance and development and on burden-sharing in respect of operational activities for refugees, together with General Assembly resolution 44/137. It was more important than ever to implement those resolutions, at a time when millions of refugees were due to be repatriated to their countries of origin and when one could reasonably ask whether the progress made by human rights and democracy would be sufficient to control the flow of economic migrations without innovative solutions to the dual phenomenon of migration and underdevelopment.

61. The Director General of ILO and the High Commissioner had agreed in principle to a meeting in April 1992 to consider those issues and find solutions. The meeting would be attended by research workers and representatives of donor countries, of the third world, of the countries of Central and Eastern Europe, of NGOs and of international organizations such as UNDP, the World Bank, OECD, EEC and IOM.

62. Mr. CLARK (United Nations Development Programme) said that according to the most recent estimates there were between 17 and 18 million refugees and over 20 million displaced persons in the world. To meet their needs, the international community, and United Nations bodies in particular, should on the one hand, persevere with the efforts already under way, and on the other develop new systems, designed in particular to reach those uprooted persons who received no assistance or protection.

63. As far as refugees themselves were concerned, UNDP recognized the primacy of UNHCR's mandate in providing protection and lasting solutions. However, it too had an important role to play by helping host countries with the reconstruction and long-term development of refugee areas.

64. The current framework for cooperation between UNDP and UNHCR was laid out in a letter signed by the High Commissioner and the Administrator in November 1990. The letter outlined a joint work programme for 1991, within which a number of actions were worthy of note. UNHCR and UNDP had identified countries and regions in which a joint effort was especially necessary: Afghanistan, Pakistan, Cambodia, Central America, Liberia, southern Africa and the Horn of Africa. During the past year, they had undertaken assessment missions in most of those regions. Many of the missions had focused on long-term refugees, but others, including those to Malawi and Ethiopia, had concerned newly-arrived populations.

65. Joint UNDP/UNHCR rehabilitation, reconstruction and development programmes were currently under way in a number of African countries, including Malawi and Zambia. In addition, UNDP and UNHCR had agreed to deal with the problems of uprootedness through round tables and consultative group meetings; thus, UNHCR had been invited to take part in a round table in Rwanda early in 1992.

66. Obviously, the assessments and activities described required strong donor support. Accordingly, it was necessary to expand the joint efforts of UNHCR and UNDP to mobilize resources. He mentioned in that connection, the PRODERE programme in Central America, which drew on multilateral and bilateral resources in order to meet the needs of returnees, displaced persons and refugees. A similar joint approach between UNDP and UNHCR was being prepared on behalf of displaced persons in Cambodia, and another was also being considered for southern Africa. However, the joint UNDP/UNHCR programme of work had progressed less than planned, no doubt largely on account of the needs created by the situation in the Gulf. Nevertheless, UNDP would pursue its efforts in that direction.

67. In addition, UNDP had supported inter-agency cooperation within the United Nations in respect of several emergencies, in particular in the Gulf and in the Horn of Africa. It was currently involved, together with UNHCR and other United Nations bodies, in developing an early warning system for flows of refugees and displaced persons. The Administrative Committee on Coordination had set up an inter-agency Working Group on the topic, which was due to meet shortly. The Working Group's mandate covered both refugees and displaced persons, and that was particularly appropriate in that the same causes were usually responsible for both types of movements.

68. Unfortunately, there was still no system of assistance and protection for internally displaced persons. However, the General Assembly had already, in resolution 44/136, assigned the responsibility for coordinating assistance for displaced persons to the United Nations resident coordinators, who were usually the UNDP resident representatives. UNDP's support for the resident coordinators had among other things been demonstrated by the establishment and funding of emergency units. UNHCR's staff had for their part made a considerable contribution to developing the new UNDP/UNDRO Disaster Management Training Programme. In September 1991, the Governing Council of UNDP had approved a fund to allow its resident representatives, when acting as resident coordinators, to have quick access to sums of up to US$ 100,000. Lastly, he said that a small humanitarian programme office had been set up at UNDP headquarters whose staff included a specialist for displaced persons.

69. In the longer term, UNDP had a special role to play on behalf of displaced persons, in conjunction with its role on behalf of long-standing refugees. UNDP helped Governments to integrate displaced persons into the local community or reintegrate them in their area of origin. UNDP and UNHCR had already cooperated in the return of such persons in Central America. They would do so again in Cambodia, Iraq and Somalia.

70. It was unfortunate that, despite those prospects, there was no system of early warning and assistance for displaced persons and no global United Nations system of assistance for resident coordinators to coordinate. At its June 1991 session, the Economic and Social Council had debated ways and means of restructuring United Nations activities for uprooted persons, including internally displaced persons. UNDP had welcomed the debate, but it considered that assistance and protection for displaced persons required large-scale action, which went beyond the role UNDP itself could play, as its mandate primarily concerned technical assistance for development. He concluded by expressing UNDP's appreciation for the excellent technical and personal cooperation it had received from UNHCR, whether at headquarters or in the field.

71. Mr. PIAZZI (Office of the Disaster Relief Coordinator) was gratified by the consensus in favour of a more effective international reaction to complex emergencies. Close cooperation between UNDRO and UNHCR was a means of achieving that goal. Since 1978, there had been a memorandum of understanding between the two organizations, one of more than 30 agreements signed by UNDRO with United Nations agencies and other humanitarian organizations, the most recent being the Agreement with the League of Red Cross Societies.

72. The remarks made during the general debate confirmed the recommendations made at the fourth meeting of national emergency relief services (NERS IV), which had just been organized by UNDRO in Geneva. The General Assembly, for its part, had, through the Second Committee, begun work on a review of the United Nations machinery for responding to emergencies, and the United States Congress was also studying the subject.

73. The response to complex disasters went beyond the mandate of any single organization. The inter-agency Working Group set up by the United Nations at the time of the Gulf crisis, under the chairmanship of UNDRO could serve as a model. In UNDRO's view it would be best to build on existing United Nations

structures, as had been suggested at the latest session of the Economic and Social Council. An effectively coordinated response should be based on a system of prompt, almost automatic stand-by bodies and a clear division of responsibilities and roles among the specialized agencies, other humanitarian organizations and the national resources of Member States.

74. With that in mind, the need was to harmonize political will with authority and leadership, within the framework of a strong central coordination mechanism. UNDRO itself was ready to support the United Nations effort in a concrete and effective manner, in line with the mandate given it by the General Assembly. It was, in particular, discussing the creation of personnel rosters, early warning, the constitution of stocks of emergency supplies, etc. The conclusions of NERS IV had highlighted both the successes achieved by UNDRO in that field and its future plans. UNHCR and UNDRO could be happy that they shared the same objectives, thus avoiding overlapping. Following the positive experience of cooperation between UNDRO and UNHCR, he lastly emphasized, in the light of General Assembly resolution 45/221, the need for a joint approach to institutionalize the inter-agency coordination process started by UNDRO in recent years.

75. Mr. STENBACK (League of Red Cross and Red Crescent Societies) said that the League and its member societies had from the very beginning been closely associated with the efforts made by UNHCR to protect and assist refugees. Unfortunately, the international community had again been shaken by massive new refugee movements in 1991. In the face of that situation, all those involved in relief efforts had strengthened their cooperation, particularly in the Gulf region and the Horn of Africa. The problems posed in particular by relief for the Iraqi Kurds had highlighted the need to improve the efficiency of the international disaster relief machinery.

76. The League of Red Cross and Red Crescent Societies had joined with Caritas International, Catholic Relief Services, the Lutheran World Federation, OXFAM and the World Council of Churches to set up a Steering Committee for Disasters, of which he was chairman. The organizations belonging to the Steering Committee had sent a letter to the United Nations Secretary-General in which they supported the idea of appointing a full-time Humanitarian Coordinator who would be responsible at the highest level for humanitarian emergencies throughout the world, supported by a small, experienced staff from United Nations agencies which regularly engaged in humanitarian operations. He would report directly to the Secretary-General. The work of the Coordinator and his staff should be based on personal commitment, rapid response, organizational skills, demonstrated past achievements and cooperation with experienced agencies such as UNHCR and UNDRO.

77. The organizations in question also supported the proposal for a standing inter-agency committee chaired by the Humanitarian Coordinator. The standing committee should cooperate closely with the Red Cross and appropriate NGOs, which in many cases were already active in the regions affected. The establishment of a revolving fund of US$ 50 million for emergency response would further increase the effectiveness of such action. An additional proposal for the allocation of a similar sum to the World Food Programme for the purchase of emergency food of types not provided by donors and the provision of emergency transport also deserved support.

78. The League of Red Cross and Red Crescent Societies intended to increase its commitment to assisting refugees, which was based on the work of thousands of volunteers at the grass-roots level, in particular by careful attention to the selection, training and supervision of volunteers. The organization would also endeavour to disseminate its fundamental principles more widely and to focus more closely on the needs of the most vulnerable groups, especially children. It would intensify its role in community-based activities designed to enhance refugees' self-sufficiency. Lastly, it was determined to cooperate even more closely with UNHCR.

79. He concluded by welcoming the fact that the donor countries had provided the High Commissioner with adequate resources in 1991, but hoped that Governments would consider ways and means of placing the funding of refugee assistance programmes on a more secure basis, to allow them to aim beyond mere survival and meet the needs of refugees until lasting solutions were found.

80. Mr. VEUTHEY (International Committee of the Red Cross) said he wished to deal with two issues: the protection of refugees and displaced persons, and humanitarian cooperation. With regard to protection, he thought international law should be applied more strictly, and in particular the four Geneva Conventions of 1949 and the two additional Protocols of 1977. The responsibility lay essentially with States parties, but also with ICRC and the United Nations. In order to ensure they were implemented, it was necessary to strengthen the operational capacity of the partners in humanitarian action, whether they were organizations in the United Nations system, members of the International Red Cross and Red Crescent movement, or NGOs, by a rational mobilization of human resources, the exchange of information and coordination. Needless to say, protection should extend to returnees, in order to guarantee their safe return, and to internally displaced persons. As far as the latter were concerned, ICRC had drafted a working document, which was available to the Executive Committee, and which summed up the situation in respect of current international law.

81. With regard to coordination, ICRC would like the operational cooperation established with UNHCR and other United Nations bodies to be strengthened, particularly by means of inter-agency meetings and the exchange of information. The humanitarian concern which was often uppermost in emergency relief operations was but one aspect of action on behalf of refugees. In order to tackle the root causes of the problem, political, military and economic cooperation was necessary, and that was first and foremost the responsibility of Governments. In such a spirit of cooperation, ICRC was prepared, in accordance with resolution 1991/73 of the Commission on Human Rights, entitled "Human rights and mass exoduses" to share with humanitarian organizations and Governments any non-confidential information that could contribute to the early warning system. It was also prepared to participate in the preparation of the report on internally displaced persons which the United Nations Secretariat was to submit to the Commission pursuant to a resolution it had adopted in March 1991. The report could deal with current or forthcoming activities to ensure respect for human rights and humanitarian law, to achieve closer cooperation between IOM, the international Red Cross and Red Crescent movement, the United Nations system and human rights organizations, and to set up effective lasting and well-distributed machinery for prompt intervention. The action in question should be based on proper

management of human and material resources, the necessary political preparation and well-designed information. If it was to be comprehensive, coordination between secretariats should go hand in hand with transparent cooperation in the field among all the parties concerned, including the local authorities: experience had demonstrated the superiority of official operations over clandestine action.

82. The International Conference of the Red Cross and Red Crescent, due to be held in Budapest at the end of 1991, would consider a report by the League of Red Cross and Red Crescent Societies and ICRC on the refugee question. The Conference should reaffirm the desire of those organizations to cooperate with UNHCR in helping refugees, asylum seekers, displaced persons and returnees.

83. Mr. BRANDUP (International Council of Voluntary Agencies) said that non-governmental organizations were always prepared to work with the High Commissioner and with Governments to protect displaced persons, refugees and returnees, whatever the reasons that had led them to flee. ICVA approved of the High Commissioner's projects designed to improve emergency response machinery, encourage voluntary repatriation and promote lasting solutions. Where repatriation was concerned, the rights and safeguards adopted by the International Conference on Central American refugees, or set out in the Comprehensive Plan of Action for Indo-Chinese Refugees would provide a good basis to build on.

84. If the refugee flow was to be stemmed, it was necessary to tackle underdevelopment, which was the root cause of the political upheavals and armed conflicts that caused population movements. ICVA welcomed the prospects for the restoration of peace in a number of countries such as Cambodia, Ethiopia and Lebanon, but it was disturbed by the tendency to withdraw assistance as soon as the fighting ended, rather than consolidating the process of stabilization by aid for reconstruction.

85. As far as the work of UNHCR in particular, was concerned, he noted that the form taken by the Executive Committee's sessions had changed and that in-depth discussions increasingly took place in subcommittees or ad hoc groups. Non-governmental organizations, however, did not take part in the debates in the subgroups, despite the fact that they could contribute the fruits of their widely recognized experience. Accordingly, he requested that NGOs should be allowed to take part in the work of the Committee's subsidiary bodies and suggested that it should appoint special rapporteurs on specific subjects.

86. With regard to information and fund-raising, ICVA approved of the attempts made by UNHCR to improve its public relations and promote its image. However, it disagreed with the idea of merging the Liaison Unit with Non-Governmental Organizations and the Public Information Section. In addition, the Council was concerned about the High Commissioner's intention to seek financial support from the private sector, thereby entailing the risk of competition with NGO fund-raising and conflict with UNHCR's inter-governmental status. As far as staffing was concerned, NGOs had suggested systems for secondment to UNHCR. The Council noted with satisfaction the entry into force of the first permanent agreements for the secondment of personnel from NGOs to UNHCR.

87. On concluding his statement, he invited delegations to consult the full text, which was available in the meeting room.

88. Mr. SAFAEE (Islamic Republic of Iran) provided a clarification regarding his delegation's statement about the number of Iraqi refugees produced by the Persian Gulf crisis. Apparently the figures given earlier only concerned persons accommodated in camps. According to official sources, there were a further 118,500 Iraqi refugees outside the camps.

89. Mr. MOUSSALI (Director, Division of International Protection) reviewed the sequence of events since the First World War which had led to the establishment of the Office of the High Commissioner for Refugees and to the drafting of the various international instruments governing the status of refugees and humanitarian assistance.

90. While the principles of action were based on permanent and universal values, the manner in which they were applied to actual situations had constantly evolved. UNHCR itself had been compelled to adjust to the changes that had taken place in the world. Under present circumstances, in which the concepts of asylum and refugee were being called into question, it was more than ever necessary for UNHCR to review its methods of work with a view to greater efficiency. In that connection, he wished to raise a number of legal and practical issues relating to UNHCR's function of providing international protection which the secretariat intended to examine.

91. The first concerned accelerated asylum procedures to determine refugee status and to process applications for asylum. The secretariat had wanted to give the Sub-Committee of the Whole on International Protection an opportunity to examine the possible applications of the notion of the so-called "safe" or "unsafe" country. Then UNHCR intended to reconsider its participation in procedures for the determination of refugee status in countries, in favour of participation at the regional level in order to lighten its workload and fit in with the harmonization being undertaken in certain regions. In the case of persons whose asylum applications had been rejected and who were about to be returned to their countries of origin, UNHCR's humanitarian role placed it in a dilemma. It would be necessary to consult Governments and non-governmental organizations on the manner in which UNHCR might be associated with measures of return. A huge concerted effort was necessary to deal with temporary large-scale influxes, when it was not always practical to consider each case individually; it would be preferable to focus on developing more efficient methods of action, avoiding laborious bureaucratic procedures. If return to the country of origin was impossible, it would be necessary to regularize the situation of the refugees in their country of asylum. Lastly, UNHCR could extend its role in the country of origin, which had been traditionally linked to the voluntary repatriation of refugees, to the protection of internally displaced populations. As the opportunities for action by UNHCR in the countries of origin were complex and delicate, it was necessary to define clearly the legal and political conditions of action which would be compatible with UNHCR's humanitarian mission and with the principles of the Charter of the United Nations.

Adoption of the report of the Sub-Committee of the Whole on International Protection (A/AC.96/781 and Corr.1)

92. The CHAIRMAN said that the Executive Committee was expected to adopt the report of the Sub-Committee of the Whole on International Protection, together with a correction containing editorial changes to paragraph 47. After careful consideration the Sub-Committee had reached a consensus on the text; he accordingly suggested that the report should be adopted without further consideration.

93. The report of the Sub-Committee on International Protection was adopted.

94. The CHAIRMAN declared the general debate closed.

The meeting rose at 6.20 p.m.